

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
G. DAVID IVERSON and )  
ACCESS WITH SUCCESS, INC., )  
Plaintiffs )

v. )

THE CITY OF BOSTON, )  
Defendant )  
\_\_\_\_\_)

CIVIL ACTION NO. 04-CV-11825-NMG

**MOTION OF PLAINTIFFS FOR RECONSIDERATION  
AND/OR TO ALTER OR AMEND JUDGMENT – FED. R. CIV. P. 59(e)**

The plaintiffs respectfully move pursuant to Fed. R. Civ. P. 59(e) for reconsideration of the Court's Order granting summary judgment in favor of the defendant, City of Boston, on Counts I and II of their *Complaint and Jury Demand*. As grounds for their motion, the plaintiffs respectfully state that the Court committed manifest legal error in granting summary judgment on Counts I and II. In support of their motion for reconsideration, the plaintiffs rely upon the accompanying memorandum of points and authorities and all of the pleadings that they have previously filed.

WHEREFORE, the plaintiffs pray that the Court will reconsider and vacate its entry of summary judgment on Counts I and II.

Respectfully submitted,  
The Plaintiffs, G. David Iverson, et al.,

By their Attorneys,

/s/Nicholas S. Guerrero

Nicholas S. Guerrero, BBO# 551475  
Shaheen Guerrero & O'Leary, LLC  
Jefferson Office Park  
820A Turnpike Street  
North Andover, MA 01845  
(978) 689-0800

Dated: July 6, 2005

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

I, Nicholas S. Guerrero, counsel for the plaintiffs, hereby certify that I discussed the above motion with Kate Cook, counsel for the City of Boston, on June 30, 2005 via telephone, both in a good faith effort to resolve or narrow the issues presented by the motion, but that counsel were unable to resolve the issues prior to the filing of the motion.

/s/Nicholas S. Guerrero  
Nicholas S. Guerrero

**CERTIFICATE OF SERVICE**

I hereby certify pursuant to Fed. R. Civ. P. 5 that I served a true copy of this pleading on the defendant, through its counsel, by mail on this date.

Dated: July 6, 2005

/s/Nicholas S. Guerrero  
Nicholas S. Guerrero